

House Bill 695 (AS PASSED HOUSE AND SENATE)

By: Representatives Holt of the 112th and Mills of the 25th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 27 of the Official Code of Georgia Annotated, relating to wild animals, so as to enact the "Disabled Assistants Act"; to revise provisions relating to wild animal permits and licenses; to authorize the issuance of permits for certain animals to assist persons with disabilities under certain conditions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Disabled Assistants Act."

SECTION 2.

Chapter 5 of Title 27 of the Official Code of Georgia Annotated, relating to wild animals, is amended in Code Section 27-5-4, relating to wild animal licenses and permits, by striking subsection (b) and inserting in its place a new subsection to read as follows:

"(b)(1) ~~Wild~~ Except as provided in paragraph (2) of this subsection, wild animal licenses will be issued only to persons engaged in the wholesale or retail wild animal business or persons exhibiting wild animals to the public. Wild animal permits will be issued at no cost and only to persons for scientific or educational purposes, to persons with a permanent disability or disease as provided and for the purpose described in paragraph (2) of this subsection, or to a pond owner for grass carp or grass carp hybrids where the department has determined that the possession of such carp by the pond owner will not constitute a threat to wildlife; provided, however, that no such permit shall be required for persons buying triploid grass carp from properly licensed wild animal dealers authorized to sell grass carp where the bill of sale is retained by the buyer as proof of such sale and where the triploid grass carp are to be stocked only into a private pond; provided, further, that no such license or permit shall be required solely for the

1 transportation of wild animals through this state where the animals remain in this state
2 no more than 24 hours and are not sold or transferred while in this state.

3 (2) The department shall issue a wild animal permit only for an animal in the genus
4 Cebus (capuchin monkeys) to any person who establishes to the satisfaction of the
5 department that:

6 (A) Such person has a permanent disability or disease which interferes with the
7 person's ability to perform one or more routine daily living activities;

8 (B) The animal for which the permit is to be issued has been trained to assist the person
9 in performing his or her daily living activities;

10 (C) The animal will be humanely treated and will not present a health or safety threat;

11 (D) The animal for which the permit is to be issued is the only wild animal to be
12 possessed by that person;

13 (E) The permittee does not have a history of violating this chapter; and

14 (F) The organization furnishing the animal to the applicant:

15 (i) Is reputable, lawful, and does not have any history of violating this chapter;

16 (ii) Provides to the department documentation and data sufficient to establish that the
17 organization has a proven record, over at least a ten-year period, of furnishing animals
18 which provide meaningful assistance to persons with disabilities; and

19 (iii) Has received and maintained a nonprofit, tax-exempt status.

20 (3) Permits issued under the provisions of paragraph (2) of this subsection shall be issued
21 only to individuals and are nontransferable.

22 (4) Capuchin monkeys possessed under the provisions of paragraph (2) of this subsection
23 are exempt from the requirements of paragraph (5) of subsection (k) of Code Section
24 27-5-4 but must be treated humanely and shall be kept only in the residence of the
25 permittee. When transported, the monkey must be in a USDA approved carrier and there
26 shall be no contact allowed between the public and monkey when outside the permittee's
27 residence. Under no circumstances may the monkey be present on premises where food
28 is sold."

29 SECTION 3.

30 This Act shall become effective upon its approval by the Governor or upon its becoming law
31 without such approval.

32 SECTION 4.

33 All laws and parts of laws in conflict with this Act are repealed.